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December 23, 2022

Smith et al. v. Annucci et al.

1:21-CV-01715 (RA) (OTW) [rel: 1:17-CV-07954 (RA) (OTW)]

Dear Judge Wang:

We submit this monthly joint status letter in accordance with this Court's November 1, 2022 Order. (ECF No. 172.)

Document Productions

Plaintiffs have completed their document production. Defendants continue to produce documents responsive to Plaintiffs' First Set of Requests for the Production of Documents, including Electronically Stored Information ("ESI"). Defendants expect to complete production by January 11, 2023.

Depositions

Plaintiffs have been awaiting completion of Defendants' document production in order to schedule most depositions; however, Plaintiffs have now completed depositions of Defendant Christian Nunez (Deputy Chief of Investigations, Office of Special Investigations, Sex Crimes Division) and Jessica McNair (Senior Investigator for the Sex Crimes division of the Office of Special Investigations) in order to evaluate whether to file a motion seeking sanctions for Defendants' failure to preserve evidence relevant to Plaintiff Smith's sexual assaults. Upon completion of Defendants' document production, Plaintiffs will schedule the next round of depositions. Defendants noticed the deposition of Plaintiff Smith for October 20, 2022, but Plaintiff Smith was not available. The parties then agreed to schedule the deposition for December 19, 2022. The deposition was then adjourned at Plaintiffs' request, and it is now rescheduled for January 20, 2022. At this time, there are no discovery disputes between the parties. However, Plaintiffs are still waiting for responses from Defendants regarding several outstanding document requests outlined in a letter that Plaintiffs sent Defendants on September 26, 2022. The parties anticipate conferring on these outstanding requests in early January.

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Respectfully,

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The Honorable Ona T. Wang
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VIA CM/ECF